IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES
(Attorney Docket № 14823US02)

In the Application of:	**Electronically filed on 20-MAY-2009**
Jeyhan Karaoguz, et al.	
Serial № 10/675,843	
Filed: September 30, 2003	
For: AUTOMATED ROUTING OF MEDIA THROUGH A MEDIA EXCHANGE NETWORK	
Examiner: Umar Cheema	
Group Art Unit: 2444	
Confirmation № 6899	

APPEAL BRIEF

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is an appeal from an Office Action dated October 24, 2008 ("Final Office Action"), in which claims 1-5, 7-16, 18-27, and 29-34 were finally rejected. The Appellant respectfully requests that the Board of Patent Appeals and Interferences ("Board") reverses the final rejection of claims 1-5, 7-16, 18-27, and 29-34 of the present application. The Appellant notes that this Appeal Brief is timely filed within the period for reply that ends on May 20, 2009.

REAL PARTY IN INTEREST
(37 C.F.R. § 41.37(c)(1)(i))

Broadcom Corporation, a corporation organized under the laws of the state of California, and having a place of business at 5300 California Avenue, Irvine, California 92617, has acquired the entire right, title and interest in and to the invention, the application, and any and all patents to be obtained therefor, as set forth in the Assignment recorded at Reel 014252, Frame 0233 in the PTO Assignment Search room.

RELATED APPEALS AND INTERFERENCES
(37 C.F.R. § 41.37(c)(1)(ii))

The Appellant is unaware of any related appeals or interferences.

STATUS OF THE CLAIMS
(37 C.F.R. § 41.37(c)(1)(iii))

Claims 1-5, 7-16, 18-27, and 29-34 were finally rejected. Claims 1-34 were originally filed, and claims 6, 17, and 28 were subsequently cancelled. Pending claims 1-5, 7-16, 18-27, and 29-34 are the subject of this appeal.

The present application includes claims 1-5, 7-16, 18-27, and 29-34, which are pending in the present application. Claims 1-5, 7-16, 18-27, and 29-34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over USPP № 2002/0124258

("Fritsch") in view of USPP № 2004/0024886 ("Saxena"). *See* Final Office Action at page 2. The Appellant identifies claims 1-5, 7-16, 18-27, and 29-34 as the claims that are being appealed. The text of the pending claims is provided in the Claims Appendix.

STATUS OF AMENDMENTS
(37 C.F.R. § 41.37(c)(1)(iv))

The Appellant has not amended any claims subsequent to the final rejection of claims 1-5, 7-16, 18-27, and 29-34 in the Final Office Action mailed on October 24, 2008.

SUMMARY OF CLAIMED SUBJECT MATTER
(37 C.F.R. § 41.37(c)(1)(v))

The invention of claim 1 is illustratively described in the Specification of the present application in, for example, "Brief Summary of the Invention" section in pages 4-5, "Detailed Description of the Invention" section in pages 8-17, and in Figures 1-2. Aspects of the invention provide a method and system for communication of information in a distributed media network. *See* present specification at page 8, ll. 2-3. The communication of information in a distributed media network may include automatically transferring one or more of media, data and/or service (e.g., the digital pictures in media peripheral 109) to a view of a first media processing system (101 in Fig. 1) and/or a first personal computer within the distributed media network. *See id.* at p. 4, ll. 3-7; 202 in

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Fig. 2; and p. 14, ll. 3-7. The transferred media, data and/or service may be subsequently routed from the view of the first media processing system and/or the first personal computer to a view of a second media processing system and/or a second personal computer (e.g., MPS 103 in Fig. 1). *See id.* at p. 4, ll. 7-9; 203 in Fig. 2; p. 12, line 12 – p. 13, line 16; and p. 14, ll. 7-9. The automatic transfer is controlled by utilizing at least a first rule hosted by the first media processing system and/or the first personal computer. *See id.* at p. 13, line 17 – p. 14, line 2. The first and second views include a device view, a media view, and/or a channel view. *See id.* p. 11, ll. 1-2.

Claims 2-5 and 7-11 are dependent upon claim 1.

The invention of claim 12 is illustratively described in the Specification of the present application in, for example, "Brief Summary of the Invention" section in pages 4-5, "Detailed Description of the Invention" section in pages 8-17, and in Figures 1-2. Another embodiment of the invention may provide a machine-readable storage, having stored thereon, a computer program having at least one code section for providing communication of information in a distributed media network according to the steps as described above. *See id.* at p. 4, ll. 25-28.

Claims 13-16 and 18-22 are dependent upon claim 12.

The invention of claim 23 is illustratively described in the Specification of the present application in, for example, "Brief Summary of the Invention" section in pages 4-5, "Detailed Description of the Invention" section in pages 8-17, and in Figures 1-2. Aspects of the invention may also include a system for communicating information in a

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distributed media network. *See id.* at p. 5, ll. 1-2. The system may include at least one processor that may be utilized to automatically transfer media, data and/or service (e.g., the digital pictures in media peripheral 109) to a view of a first media processing system (101 in Fig. 1) and/or a first personal computer within the distributed media network. *See id.* at p. 5, ll. 2-5; 202 in Fig. 2; and p. 14, ll. 3-7. The at least one processor may automatically route or otherwise control routing of the transferred media, data and/or service from the view of the first media processing system and/or the first personal computer to a view of a second media processing system and/or a second personal computer (e.g., MPS 103 in Fig. 1). *See id.* at p. 5, ll. 5-8; 203 in Fig. 2; p. 12, line 12 – p. 13, line 16; and p. 14, ll. 7-9. The automatic transfer is controlled by utilizing at least a first rule hosted by the first media processing system and/or the first personal computer. *See id.* at p. 13, line 17 – p. 14, line 2. The first and second views include a device view, a media view, and/or a channel view. *See id.* p. 11, ll. 1-2.

Claims 24-27 and 29-34 are dependent upon claim 23.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL
(37 C.F.R. § 41.37(c)(1)(vi))

Claims 1-5, 7-16, 18-27, and 29-34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over USPP № 2002/0124258 ("Fritsch") in view of USPP № 2004/0024886 ("Saxena").

ARGUMENT
(37 C.F.R. § 41.37(c)(1)(vii))

In the Final Office Action, Claims 1-5, 7-16, 18-27, and 29-34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fritsch in view of Saxena.

I. The Proposed Combination of Fritsch and Saxena Does Not Render Claims 1-5, 7-16, 18-27, and 29-34 Unpatentable

The Appellant first turns to the rejection of claims 1-5, 7-16, 18-27, and 29-34 as being unpatentable over Fritsch in view of Saxena. The Appellant notes that the proposed combination of Fritsch and Saxena forms the basis for all of the pending rejections.

A. Independent Claims 1, 12, and 23

With regard to the rejection of independent claim 1 under 103(a), the Appellant submits that the combination of Fritsch and Saxena does not disclose or suggest at least the limitation of "automatically transferring one or more of media, data and/or service to a first view of one or both of a first media processing system and/or a first personal computer within the distributed media network, wherein said automatic transfer is controlled by utilizing at least a first rule hosted by said one or both of said first media processing system and/or said first personal computer," as recited by the Appellant in independent claim 1.

The Final Office Action states the following:

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Regarding claims 1, Fritsch disclosed a method and system comprising automatically transferring one or more of media, data and/or service to a view of one or both of a first media processing system and/or a first personal computer within the distributed media network, wherein said automatic transfer is controlled by utilizing at least a first rule ("media delivery center receives media-rich broadcasts", see paragraph [0028], [0031], [0033])

See the Final Office Action at page 3. The Examiner is relying for support on paragraphs 0028, 0031, and 0033 of Fritsch. Paragraph 0028 of Fritsch discloses that a media delivery system (operated by a service provider) centrally manages and stores media content, as well as securely delivers the media content to output devices.

Paragraph 0031 of Fritsch discloses a media delivery system 200 (FIG. 2 of Fritsch), which uses a media delivery center 202. The media delivery center 202 receives local TV broadcasts, satellite broadcasts and commercial information that may be in video, audio or graphic forms. The received content can then be broadcast to various clients.

Paragraph 0033 of Fritsch discloses a media delivery center 300 (FIG. 3A of Fritsch), which receives media program content 302 from a source or content provider or from a media storage device.

It appears that the Examiner is equating Appellant's "first media processing system and/or a first personal computer" to Fritsch's media delivery center 202. However, the media delivery center 202 is a **headend**, which receives broadcasts from satellites or local TV stations (see Fig. 2 of Fritsch). In addition, Appellant's "first media

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processing system and/or a first personal computer" are **client devices**. Obviously, a headend is different from (and cannot be equated to) a client device. Therefore, the Examiner's argument is deficient for this reason alone. However, even if Fritsch's media delivery center 202 can be equated to Appellant's "first media processing system and/or a first personal computer" (which the Appellant submits that it cannot), the Examiner's argument is still deficient for several reasons.

Specifically, Fritsch does not disclose any rule that controls transfer of media to client devices. For example, in reference to ¶ 0033 of Fritsch, the Appellant points out that **Fritsch does not disclose or suggest that the transfer of the content 302 is controlled in any way by a rule. In fact, paragraph 0033 of Fritsch, as well as the remaining portions of Fritsch, does not disclose or suggest any details as to how the media content 302 is transferred to the media delivery center 300.** Therefore, the Appellant respectfully maintains that Fritsch, including ¶¶ 0028, 0031, and 0033, does not disclose that the receiving of local TV and satellite broadcasts by the media delivery center is controlled in any way by a rule.

In the "Response to Arguments" section of the April 15, 2008 Office Action, the Examiner has broadly interpreted the "rule" limitation and stated the following:

> Examiner submits that any number of provisions associated with the transfer of data between the media deliver center and content source of Fritsch reads on the broad concept of controlling such transfer using a "first rule". For example, the protocol used to transfer data ("media delivery center 202 can receive local TV broadcasts 204 and satellite broadcasts", paragraph [0031]), the format of the data ("video, audio or graphic forms", paragraph [0031]), subscription rules ("end users

subscribe to the media delivery system for various programs", paragraph [0031]), or security rules ("media program content 302 is encrypted", paragraph [0033]) can all be considered "rules" as they are clearly aspects that control the transfer of media content to the media delivery center.

See the April 15, 2008 Office Action at pages 4-5. The Appellant respectfully disagrees that any of the above examples read on "rules" that control the transfer of data to client devices. As explained above, Fritsch discloses the communication of media from a media content source (e.g., satellite) to a headend. Fritsch does not disclose the communication of media to a client device (e.g., a media processing system or a personal computer). Furthermore, **the subscription rules and the security rules of Fritsch (which is what the Examiner equates to Appellant's "rules") are <u>not</u> related in any way to the transfer of data between the media delivery center and the media content source of Fritsch. More specifically, the subscription rules and the security rules of Fritsch are only related to the communication of data from the media delivery center to the clients, and they are <u>not</u> related to transfer of media from the media content source to the headend 202. Furthermore, the format or type of the received data is <u>not</u> a rule that controls the transfer of such data from the content source to the media delivery center.** Saxena does not overcome the above deficiencies of Fritsch.

Furthermore with regard to the rejection of independent claim 1 under 103(a) and the deficiency of the Examiner's argument, the Appellant submits that the combination of Fritsch and Saxena also does not disclose or suggest at least the limitation of

"wherein said automatic transfer is controlled by utilizing at least a first rule <u>hosted by</u>

<u>said one or both of said first media processing system and/or said first personal</u>

<u>computer</u>," as recited by the Appellant in independent claim 1.

The Final Office Action concedes that Fritsch does not disclose this limitation and

then relies on Saxena, stating the following:

> Fritsch disclosed substantially the invention as claimed for the given reasons above however explicitly does not disclose wherein said automatic transfer is controlled by utilizing at least a first rule hosted by said one or both of said first media processing system and/or said first personal computer. However in the same field of invention Saxena discloses wherein said automatic transfer is controlled by utilizing at least a first rule hosted by said one or both of said first media processing system and/or said first personal computer (see abstract, par. [0006, 0033, figure 1 and the details related to figure in specifications; controlling content exchange mechanism etc.]).

See the Final Office Action at page 3. The Final Office Action relies for support

on the abstract and paragraphs 0006, 0033 of Saxena. Initially, the Appellant points out

that Saxena is not related to, and does not disclose, any automatic transfer of media

content or controlling such automatic transfer using a rule. Instead, Saxena relates to

an access controlled content exchange system, where a requesting client accesses

content at a target client only when access to the target client is authorized based on a

profile. *See* Saxena at paragraph 0006. More specifically, referring to FIGS. 4 and 8 of

Saxena, the Appellant points out that the profile 410 is associated with the client device

108 and may include profile entries 802. However, **the various profile entries 802**

disclosed by Saxena relate to access authorization and access rights with regard

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to remotely-located content, and they do not relate to controlling automatic transfer of content. In fact, Saxena does not even disclose any automatic transfer of content based on a rule. In this regard, Saxena does not disclose that the profile 410, or any of its profile entries 802, includes a rule that controls automatic transfer of content, where the rule is hosted by the client device 108.

Therefore, the Appellant maintains that the combination of Fritsch and Saxena does not disclose or suggest at least the limitation of "automatically transferring one or more of media, data and/or service to a first view of one or both of a first media processing system and/or a first personal computer within the distributed media network, wherein said automatic transfer is controlled by utilizing at least a first rule hosted by said one or both of said first media processing system and/or said first personal computer," as recited by the Appellant in independent claim 1.

Furthermore with regard to the rejection of independent claim 1 under 103(a) and the deficiency of the Examiner's argument, the Appellant submits that the combination of Fritsch and Saxena also does not disclose or suggest at least the limitation of "automatically routing said automatically transferred one or more of media, data and/or service from said first view of said one or both of said first media processing system and/or said first personal computer to a second view of one or both of a second media processing system and/or a second personal computer, wherein said first and second views comprise one or more of a device view, a media view, and/or a channel view," as recited by the Appellant in independent claim 1.

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The Final Office Action states the following:

> automatically routing said automatically transferred one or more of media, data and/or service from said view of said one or both of said first media processing system and/or said first personal computer to a view of one or both of a second media processing system and/or a second personal computer ("media programs are delivered to output devices by a media delivery system", see paragraph [0028], [0031], [0033]), wherein said first and second views comprise one or more of: a device view, a media view, and a channel view ("a particular channel", see paragraph [0033]).

See the Final Office Action at page 3. The Examiner is continuing to rely for support on paragraphs 0028, 0031, and 0033 of Fritsch. Paragraph 0028 of Fritsch discloses that a media delivery system (operated by a service provider) centrally manages and stores media content, as well as securely delivers the media content to output devices. Paragraph 0031 of Fritsch discloses a media delivery system 200 (FIG. 2 of Fritsch), which uses a media delivery center 202. The media delivery center 202 receives local TV broadcasts, satellite broadcasts and commercial information that may be in video, audio or graphic forms. The received content can then be broadcast to various clients. Paragraph 0033 of Fritsch discloses a media delivery center 300 (FIG. 3A of Fritsch), which receives media program content 302 from a source or content provider or from a media storage device.

Initially, the Appellant points out that Fritsch, including paragraphs 0028, 0031, and 0033, does not disclose any transferring of media where the media is in a first view at the first client device and then it is in a second view at a second client device. In fact, Fritsch does not disclose displaying media in any views. The Examiner, in the above

citation, is referring to the phrase "particular channel" as used in paragraph 0033 of Fritsch. However, Fritsch, in paragraph 0033, simply discloses that the media delivery center communicates media programs to the subscribers via a particular channel. In this regard, "particular channel" does not designate a particular view that the media is transferred to at the client device. Saxena does not overcome the above deficiency of Fritsch.

Therefore, the Appellant maintains that the combination of Fritsch and Saxena does not disclose or suggest at least the limitation of "automatically routing said automatically transferred one or more of media, data and/or service from said first view of said one or both of said first media processing system and/or said first personal computer to a second view of one or both of a second media processing system and/or a second personal computer, wherein said first and second views comprise one or more of a device view, a media view, and/or a channel view," as recited by the Appellant in independent claim 1.

Accordingly, independent claim 1 is not unpatentable over Fritsch in view of Saxena and is allowable. Independent claims 12 and 23 are similar in many respects to the method disclosed in independent claim 1. Therefore, the Appellant submits that independent claims 12 and 23 are also allowable over the references cited in the Final Office Action at least for the reasons stated above with regard to claim 1.

B.   Rejection of Dependent Claims 2, 13, and 24

Claims 2, 13, and 24 depend on independent claims 1, 12, and 23, respectively. Therefore, the Appellant submits that claims 2, 13, and 24 are allowable over the references cited in the Final Office Action at least for the reasons stated above with regard to claim 1.

The Appellant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 2, 13, and 24.

C.   Rejection of Dependent Claims 3, 14, and 25

Claims 3, 14, and 25 depend on independent claims 1, 12, and 23, respectively. Therefore, the Appellant submits that claims 3, 14, and 25 are allowable over the references cited in the Final Office Action at least for the reasons stated above with regard to claim 1. The Appellant also submits that the combination of Fritsch-Saxena does not disclose or suggest at least the limitation of "controlling said consumption by said one or both of said second media processing system and/or said second personal computer by utilizing at least a second rule," as recited by the Appellant in claims 3, 14, and 25.

> With regard to claim 3, the Final Office Action states the following at page 4:
>
> Regarding claims 3, Fritsch disclosed the method and system comprising controlling said consumption by said one or both of said second media processing system and/or said second personal computer by utilizing at least a second rule (see paragraph [0046]).

The Appellant respectfully disagrees. As already explained above, the media delivery center 202 is a **headend**, which receives broadcasts from satellites or local TV stations (see Fig. 2 of Fritsch). In addition, Appellant's "first media processing system and/or a first personal computer" are **client devices**. Obviously, a headend is different from (and cannot be equated to) a client device. Therefore, the Examiner's argument is deficient since Fritsch does not disclose consumption of media by client devices, such as a media processing system or a personal computer.

In addition, paragraph 0046 of Fritsch discloses a flow diagram of how received data packets are processed when a pause has been requested by a user. However, Fritsch, at the above citation, does not disclose the use of a rule that controls consumption of the transferred media. Saxena does not overcome the above deficiency of Fritsch. Accordingly, the Appellant submits that claims 3, 14, and 25 are allowable over the references cited in the Final Office Action at least for the above reasons.

The Appellant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 3, 14, and 25.

D.   Rejection of Dependent Claims 4, 15, and 26

Claims 4, 15, and 26 depend on independent claims 1, 12, and 23, respectively. Therefore, the Appellant submits that claims 4, 15, and 26 are allowable over the references cited in the Final Office Action at least for the reasons stated above with regard to claim 1. The Appellant also submits that the combination of Fritsch-Saxena

does not disclose or suggest at least the limitation of "scheduling said consumption of said one or more of said media, data and/or service by said one or both of said second media processing system and/or said second personal computer utilizing said at least a second rule," as recited by the Appellant in claims 4, 15, and 26.

With regard to claim 4, the Final Office Action states the following at page 4:

Regarding claims 4, Fritsch disclosed the method and system comprising scheduling said consumption of said one or more of said media, data and/or service by said one or both of said second media processing system and/or said second personal computer utilizing said at least a second rule (see paragraph [0046]).

The Appellant respectfully disagrees. Paragraph 0046 of Fritsch discloses a flow diagram of how received data packets are processed when a pause has been requested by a user. However, Fritsch, at the above citation, does not disclose the use of a rule that controls consumption of the transferred media. Assuming, arguendo that initiating a pause by a user is a "rule" that controls consumption, the Examiner's argument is still deficient. More specifically, initiating a pause by the client machine 164 or 166 is not related to (and does not cause) scheduling of the consumption of transferred media. In fact, Fritsch is silent and does not disclose any scheduling of media consumption. Saxena does not overcome the above deficiency of Fritsch. Accordingly, the Appellant submits that claims 4, 15, and 26 are allowable over the references cited in the Final Office Action at least for the above reasons.

The Appellant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 4, 15, and 26.

E.   Rejection of Dependent Claims 5, 16, and 27

Claims 5, 16, and 27 depend on independent claims 1, 12, and 23, respectively. Therefore, the Appellant submits that claims 5, 16, and 27 are allowable over the references cited in the Final Office Action at least for the reasons stated above with regard to claim 1. The Appellant also submits that the combination of Fritsch-Saxena does not disclose or suggest at least the limitation of "wherein said at least a second rule is a consumption rule," as recited by the Appellant in claims 5, 16, and 27.

> With regard to claim 5, the Final Office Action states the following at page 4:

> Regarding claims 5, Fritsch disclosed the method and system wherein said at least a second rule is a consumption rule (see paragraph [0046]).

The Appellant respectfully disagrees. Paragraph 0046 of Fritsch discloses a flow diagram of how received data packets are processed when a pause has been requested by a user. However, Fritsch, at the above citation, does not disclose the use of a consumption rule that controls consumption of the transferred media. Accordingly, the Appellant submits that claims 5, 16, and 27 are allowable over the references cited in the Final Office Action at least for the above reasons.

The Appellant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 5, 16, and 27.

F. Rejection of Dependent Claims 7, 18, and 29

Claims 7, 18, and 29 depend on independent claims 1, 12, and 23, respectively. Therefore, the Appellant submits that claims 7, 18, and 29 are allowable over the references cited in the Final Office Action at least for the reasons stated above with regard to claim 1. The Appellant also submits that the combination of Fritsch-Saxena does not disclose or suggest at least the limitation of "comprising pre-defining said at a least a first rule," as recited by the Appellant in claims 7, 18, and 29.

> With regard to claim 7, the Final Office Action states the following at page 4:

> Regarding claims 7, Fritsch disclosed the method and system comprising predefining said at least a first rule (see paragraph [0033], [0037]).

The Appellant respectfully disagrees and points out that the Examiner is inconsistent in the above argument. More specifically, in reference to the "first rule" in Appellant's claim 1, the Appellant is wondering how the Examiner can continue to rely on Fritsch in the above citation, since the Examiner has already conceded that Fritsch does not disclose "utilizing at least a first rule." *See* the Final Office Action at page 3. The Examiner relied for support on Saxena to teach this limitation (*See id.*). Furthermore, the Examiner is referred to Section I-A above, where the Appellant has already discussed the deficiencies of Fritch (including paragraph 0033) and Saxena. In reference to paragraph 0037, Fritsch discloses how a delayed portion of a cached program is delivered to a user. In this regard, neither Fritsch nor Saxena discloses or suggests at least the limitation of "comprising pre-defining said at a least a first rule," as recited by the Appellant in claims 7, 18, and 29. Accordingly, the Appellant submits that

claims 7, 18, and 29 are allowable over the references cited in the Final Office Action at least for the above reasons.

The Appellant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 7, 18, and 29.

G.   Rejection of Dependent Claims 8, 19, and 30

Claims 8, 19, and 30 depend on independent claims 1, 12, and 23, respectively. Therefore, the Appellant submits that claims 8, 19, and 30 are allowable over the references cited in the Final Office Action at least for the reasons stated above with regard to claim 1. The Appellant also submits that the combination of Fritsch-Saxena does not disclose or suggest at least the limitation of "wherein said at least a first rule is a transfer rule," as recited by the Appellant in claims 8, 19, and 30.

> With regard to claim 8, the Final Office Action states the following at page 4:
>
> Regarding claims 8, Fritsch disclosed the method and system wherein said at least a first rule is a transfer rule (see paragraph [0033], [0037]).

The Appellant respectfully disagrees and points out that the Examiner is inconsistent in the above argument. More specifically, in reference to the "first rule" in Appellant's claim 1, the Appellant is wondering how the Examiner can continue to rely on Fritsch in the above citation, since the Examiner has already conceded that Fritsch does not disclose "utilizing at least a first rule." *See* the Final Office Action at page 3. The Examiner relied for support on Saxena to teach this limitation (*See id.*).

Furthermore, the Examiner is referred to Section I-A above, where the Appellant has already discussed the deficiencies of Fritch (including paragraph 0033) and Saxena. In reference to paragraph 0037, Fritsch discloses how a delayed portion of a cached program is delivered to a user. In this regard, neither Fritsch nor Saxena discloses or suggests at least the limitation of "wherein said at least a first rule is a transfer rule," as recited by the Appellant in claims 8, 19, and 30. Accordingly, the Appellant submits that claims 8, 19, and 30 are allowable over the references cited in the Final Office Action at least for the above reasons.

The Appellant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 8, 19, and 30.

H.   Rejection of Dependent Claims 9, 20, and 31

Claims 9, 20, and 31 depend on independent claims 1, 12, and 23, respectively. Therefore, the Appellant submits that claims 9, 20, and 31 are allowable over the references cited in the Final Office Action at least for the reasons stated above with regard to claim 1. The Appellant also submits that the combination of Fritsch-Saxena does not disclose or suggest at least the limitation of "controlling said automatic routing utilizing at least a third rule," as recited by the Appellant in claims 9, 20, and 31.

With regard to claim 9, the Final Office Action states the following at page 5:

Regarding claims 9, Fritsch disclosed the method and system comprising controlling said automatic routing utilizing at least a third rule (see paragraph [0033], [0037]).

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The Appellant respectfully disagrees and points out that the Examiner is inconsistent in the above argument. More specifically, in reference to using a "rule" in Appellant's claim 1, the Appellant is wondering how the Examiner can continue to rely on Fritsch in the above citation, since the Examiner has already conceded that Fritsch does not disclose such use of a rule with regard to the automatic transferring. *See* the Final Office Action at page 3. The Examiner relied for support on Saxena to teach this limitation (*See id.*). In addition, neither Fritsch nor Saxena utilize a rule with regard to the automatic routing of the transferred media. Furthermore, the Examiner is referred to Section I-A above, where the Appellant has already discussed the deficiencies of Fritch (including paragraph 0033) and Saxena as they relate to the use of a rule. In reference to paragraph 0037, Fritsch discloses how a delayed portion of a cached program is delivered to a user. In this regard, neither Fritsch nor Saxena discloses or suggests at least the limitation of "controlling said automatic routing utilizing at least a third rule," as recited by the Appellant in claims 9, 20, and 31. Accordingly, the Appellant submits that claims 9, 20, and 31 are allowable over the references cited in the Final Office Action at least for the above reasons.

The Appellant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 9, 20, and 31.

I.   Rejection of Dependent Claims 10, 21, and 32

Claims 10, 21, and 32 depend on independent claims 1, 12, and 23, respectively. Therefore, the Appellant submits that claims 10, 21, and 32 are allowable over the references cited in the Final Office Action at least for the reasons stated above with regard to claim 1. The Appellant also submits that the combination of Fritsch-Saxena does not disclose or suggest at least the limitation of "predefining said at least a third rule," as recited by the Appellant in claims 10, 21, and 32.

With regard to claim 10, the Final Office Action states the following at page 5:

> Regarding claims 10, Fritsch disclosed the method and system comprising predefining said at least a third rule (see paragraph [0033], [0037]).

The Appellant respectfully disagrees and points out that the Examiner is inconsistent in the above argument. More specifically, in reference to using a "rule" in Appellant's claim 1, the Appellant is wondering how the Examiner can continue to rely on Fritsch in the above citation, since the Examiner has already conceded that Fritsch does not disclose such use of a rule with regard to the automatic transferring. *See* the Final Office Action at page 3. The Examiner relied for support on Saxena to teach this limitation (*See id.*). In addition, neither Fritsch nor Saxena utilize a rule with regard to the automatic routing of the transferred media. Furthermore, the Examiner is referred to Section I-A above, where the Appellant has already discussed the deficiencies of Fritch (including paragraph 0033) and Saxena as they relate to the use of a rule. In reference to paragraph 0037, Fritsch discloses how a delayed portion of a cached program is delivered to a user. In this regard, neither Fritsch nor Saxena discloses or suggests at

least the limitation of "predefining said at least a third rule," as recited by the Appellant in claims 10, 21, and 32. Accordingly, the Appellant submits that claims 10, 21, and 32 are allowable over the references cited in the Final Office Action at least for the above reasons.

The Appellant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 10, 21, and 32.

J.   Rejection of Dependent Claim 11, 22, and 33

Claims 11, 22, and 33 depend on independent claims 1, 12, and 23, respectively. Therefore, the Appellant submits that claims 11, 22, and 33 are allowable over the references cited in the Final Office Action at least for the reasons stated above with regard to claim 1. The Appellant also submits that the combination of Fritsch-Saxena does not disclose or suggest at least the limitation of "said at least a third rule is a routing rule," as recited by the Appellant in claims 11, 22, and 33.

With regard to claim 11, the Final Office Action states the following at page 5:

Regarding claims 11, Fritsch disclosed the method and system wherein said at least a third rule is a routing rule (see paragraph [0033], [0037]).

The Appellant respectfully disagrees and points out that the Examiner is inconsistent in the above argument. More specifically, in reference to using a "rule" in Appellant's claim 1, the Appellant is wondering how the Examiner can continue to rely on Fritsch in the above citation, since the Examiner has already conceded that Fritsch does not disclose such use of a rule with regard to the automatic transferring. *See* the

Final Office Action at page 3. The Examiner relied for support on Saxena to teach this limitation (*See id.*). In addition, neither Fritsch nor Saxena utilize a rule with regard to the automatic routing of the transferred media. Furthermore, the Examiner is referred to Section I-A above, where the Appellant has already discussed the deficiencies of Fritch (including paragraph 0033) and Saxena as they relate to the use of a rule. In reference to paragraph 0037, Fritsch discloses how a delayed portion of a cached program is delivered to a user. In this regard, neither Fritsch nor Saxena discloses or suggests at least the limitation of "said at least a third rule is a routing rule," as recited by the Appellant in claims 11, 22, and 33. Accordingly, the Appellant submits that claims 11, 22, and 33 are allowable over the references cited in the Final Office Action at least for the above reasons.

The Appellant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 11, 22, and 33.

K.   Rejection of Dependent Claim 34

Claim 34 depends on independent claim 23. Therefore, the Appellant submits that claim 34 is allowable over the references cited in the Final Office Action at least for the reasons stated above with regard to claim 1.

The Appellant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claim 34.

CONCLUSION

For at least the foregoing reasons, the Appellant submits that claims 1-5, 7-16, 18-27, and 29-34 are in condition for allowance. Reversal of the Examiner's rejection and issuance of a patent on the application are therefore requested.

The Commissioner is hereby authorized to charge $540 (to cover the Brief on Appeal Fee) and any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

Respectfully submitted,

Date: 20-MAY-2009   By: /Ognyan I. Beremski/

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(OIB)

CLAIMS APPENDIX
(37 C.F.R. § 41.37(c)(1)(viii))

1.   A method for communicating information in a distributed media network, the method comprising:

automatically transferring one or more of media, data and/or service to a first view of one or both of a first media processing system and/or a first personal computer within the distributed media network, wherein said automatic transfer is controlled by utilizing at least a first rule hosted by said one or both of said first media processing system and/or said first personal computer; and

automatically routing said automatically transferred one or more of media, data and/or service from said first view of said one or both of said first media processing system and/or said first personal computer to a second view of one or both of a second media processing system and/or a second personal computer, wherein said first and second views comprise one or more of a device view, a media view, and/or a channel view.

2.   The method according to claim 1, comprising consuming said routed one or more of said media, data and/or service by said one or both of said second media processing system and/or said second personal computer.

3.   The method according to claim 2, comprising controlling said consumption by said one or both of said second media processing system and/or said second personal computer by utilizing at least a second rule.

4.   The method according to claim 2, comprising scheduling said consumption of said one or more of said media, data and/or service by said one or both of said second media processing system and/or said second personal computer utilizing said at least a second rule.

5.   The method according to claim 3, wherein said at least a second rule is a consumption rule.

7.   The method according to claim 1, comprising pre-defining said at a least a first rule.

8.   The method according to claim 1, wherein said at least a first rule is a transfer rule.

9.   The method according to claim 3, comprising controlling said automatic routing utilizing at least a third rule.

10. The method according to claim 9, comprising predefining said at least a third rule.

11. The method according to claim 9, wherein said at least a third rule is a routing rule.

12. A machine-readable storage having stored thereon, a computer program having at least one code section for communicating information in a distributed media network, the at least one code section being executable by a machine for causing the machine to perform steps comprising:

automatically transferring one or more of media, data and/or service to a first view of one or both of a first media processing system and/or a first personal computer within the distributed media network, wherein said automatic transfer is controlled by utilizing at least a first rule hosted by said one or both of said first media processing system and/or said first personal computer; and

automatically routing said automatically transferred one or more of media, data and/or service from said first view of said one or both of said first media processing system and/or said first personal computer to a second view of one or both of a second media processing system and/or a second personal computer, wherein said first and second views comprise one or more of a device view, a media view, and/or a channel view.

13.   The machine-readable storage according to claim 12, comprising code for consuming said routed one or more of media, data and/or service by said one or both of said second media processing system and/or said second personal computer.

14.   The machine readable storage according to claim 13, comprising code for controlling said consumption by said one or both of said second media processing system and/or said second personal computer by utilizing at least a second rule.

15.   The machine readable storage according to claim 13, comprising code for scheduling said consumption of said one or more of said media, data and/or service by said one or both of said second media processing system and/or said second personal computer utilizing said at least a second rule.

16.   The machine readable storage according to claim 14, wherein said at least a second rule is a consumption rule.

18.   The machine readable storage according to claim 12, comprising code for pre-defining said at a first rule.

19.   The machine readable storage according to claim 12, wherein said at least a first rule is a transfer rule.

20.   The machine readable storage according to claim 14, comprising code for controlling said automatic routing utilizing at least a third rule.

21.   The machine readable storage according to claim 20, comprising code for predefining said at least a third rule.

22.   The machine readable storage according to claim 20, wherein said at least a third rule is a routing rule.

23.   A system for communicating information in a distributed media network, the system comprising:

at least one processor that automatically transfers one or more of media, data and/or service to a first view of one or both of a first media processing system and/or a first personal computer within the distributed media network, wherein said at least one processor controls said automatic transfer by utilizing at least a first rule hosted by said one or both of said first media processing system and/or said first personal computer; and

said at least one processor automatically routes said automatically transferred one or more of media, data and/or service from said first view of said one or both of said first media processing system and/or said first personal computer to a second view of one or both of a second media processing system and/or a second personal computer,

wherein said first and second views comprise one or more of a device view, a media view, and/or a channel view.

24.   The system according to claim 23, wherein said at least one processor consumes said routed one or more of media, data and/or service by said one or both of said second media processing system and/or said second personal computer.

25.   The system according to claim 24, wherein said at least one processor controls said consumption by said one or both of said second media processing system and/or said second personal computer by utilizing at least a second rule.

26.   The system according to claim 24, wherein said at least one processor schedules said consumption of said one or more of media, data and/or service by said one or both of said second media processing system and/or said second personal computer utilizing said at least a second rule.

27.   The system according to claim 25, wherein said at least a second rule is a consumption rule.

29.   The system according to claim 23, wherein said at least one processor pre-defines said at a first rule.

30.   The system according to claim 23, wherein said at least a first rule is a transfer rule.

31.   The system according to claim 25, wherein said at least one processor controls said automatic routing utilizing at least a third rule.

32.   The system according to claim 31, wherein said at least one processor predefines said at least a third rule.

33.   The system according to claim 31, wherein said at least a third rule is a routing rule.

34.   The system according to claim 23, wherein said at least one processor is at least one of a computer processor, a media peripheral processor, a media exchange system processor, a media processing system processor and a storage processor.

EVIDENCE APPENDIX
(37 C.F.R. § 41.37(c)(1)(ix))

(1)   United States Patent Application Publication No. 2002/0124258 ("Fritsch"), entered

into record by the Examiner in the June 14, 2007 Office Action.

(2)   United States Patent Application Publication No. 2004/0024886 ("Saxena"), entered

into record by the Examiner in the June 14, 2007 Office Action.

RELATED PROCEEDINGS APPENDIX
(37 C.F.R. § 41.37(c)(1)(x))

The Appellant is unaware of any related appeals or interferences.